

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

CRAIG SHELTON,

3:12-CV-1836-ST

Plaintiff,

ORDER

v.

FISKAR BRANDS, INC., d/b/a
GERBER LEGENDARY BLADES,

Defendant.

BROWN, Judge.

Magistrate Judge Janice M. Stewart issued Findings and Recommendation (#60) on February 10, 2015, in which she recommends the Court grant Defendant's Motion (#46) for Summary Judgment as to Plaintiff's Third Claim, deny Defendant's Motion for Summary Judgment as to Plaintiff's First and Second Claims, and grant Plaintiff's Motion (#43) for Partial Summary Judgment

as to Defendant's Second, Third, Fourth, Fifth, Sixth, and Eighth Affirmative Defenses. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, this Court is relieved of its obligation to review the record *de novo*. See *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009). See also *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)(*en banc*). Having reviewed the legal principles *de novo*, the Court does not find any error.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Stewart's Findings and Recommendation (#60). Accordingly, the Court **GRANTS in part** Defendant's Motion (#46) for Summary Judgment as to Plaintiff's Third Claim and **DENIES in part** Defendant's Motion as to Plaintiff's First and Second Claims. The Court also **GRANTS** Plaintiff's Motion (#43) for Partial Summary Judgment as to Defendant's Second, Third, Fourth, Fifth, Sixth and Eighth Affirmative Defenses.

This action, therefore, will go forward only as to Plaintiff's First Claim for violation of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38

U.S.C. § 4311(b); Plaintiff's Second Claim for discrimination in violation Oregon Revised Statute § ORS 659A.082; and Defendant's affirmative defenses of failure to state a claim and that Plaintiff is not entitled to equitable relief.

IT IS SO ORDERED.

DATED this 23rd day of March, 2015.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge